



# No Child Left Behind COMPLIANCE INSIDER

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## Get Schools to Focus on Each Demographic Group's Performance by Explaining Impact of Disaggregation

For schools in your district that have a history of high performance on statewide assessments, complying with the NCLB requirements for adequate yearly progress (AYP) may not seem very important. But these schools may be in for a surprise when they begin disaggregating—that is, separating by demographic group—student achievement data under your state's AYP definition, says Bruce Hunter, associate executive director of the American Association of School Administrators. That's because many schools don't realize that a school will make AYP only if each demographic group makes progress in meeting your state's objectives. This requirement applies to all schools operating Title I programs, whether schoolwide or targeted, Hunter explains. So if even one demographic group doesn't make improvement, a school that thinks of itself as "high achieving" will, instead, fail to make AYP. And schools receiving Title I funding that don't make AYP are subject to the full range of improvement measures that NCLB Section 1116 imposes.

So Hunter recommends telling all of your principals about the implications of disaggregation now, to encourage them to focus on the performance of each demographic group, rather than looking only at the school's performance as a whole. Because disaggregation is very complex, and because neither the U.S. Department of Education (DOE) nor state education authorities have finalized every point, you won't be able to give them every detail now. But many obligations are clear.

With Hunter's help, we'll explain the basics of disaggregation and its implications. We'll also give you a Model Memo (see pp. 3–4), which you can adapt and send to all principals in schools operating Title I programs. The memo includes a chart for tracking the performance of each demographic group.

### Basics of Disaggregation

Here's a rundown on the basics of disaggregation. If you find these concepts difficult, you're not alone. But we'll help you understand what your district must do.

### Which demographic groups must you track?

Under NCLB Section 1111(b)(2)(C) and final regulation 200.7, each school in your district must disaggregate student performance data on statewide assessments for each of the following demographic groups:

- All students, taken as a whole;
- Economically disadvantaged students;
- Students from major racial and ethnic groups;
- Students with disabilities; and
- Students with limited English proficiency (LEP).

Each school in your district must track student performance in each demographic group, Hunter says. The requirement is designed to concentrate schools' attention on the students most likely to be "left behind." Under NCLB, it isn't enough for a school to perform well as a whole if entire demographic groups aren't sharing in that progress, he explains.

**Insider Says:** DOE hasn't said what "major racial and ethnic groups" means, so your state education authority must tell you which groups to track, Hunter says. At a minimum, most states are requiring schools to track data for African-American, Asian/Pacific Islander, Hispanic, Native American/Alaska Native, and white groups, but some states require additional categories.

**What are the exceptions to disaggregation?** Two exceptions limit a school's obligation to disaggregate data when the school has very few students in a demographic group. According to Section 1111(b)(2)(c)(v), you don't have to disaggregate data for a demographic group if:

- The number of students in it is too small to yield statistically reliable information; or
- The results would reveal personally identifiable information about an individual student.

It's up to the states to determine the actual cutoff numbers for these two exceptions, Hunter notes. Several states are proposing using 30 for the number too small to be reliable and three as the number that would reveal personal information. If the number of students in a demographic

group is smaller than either of these cutoffs, the school must not disaggregate data for that group—and it won't count in determining whether the school makes AYP.

**Insider Says:** Many schools are wondering how to count students who are in more than one demographic group—for example, a disabled student who's also Asian-American. There's no authority in the law or regulations that would let a school choose which demographic group to list the student in, Hunter notes, so he urges schools to include students in every demographic group that applies to that student—even though that will result in double counting some students.

## Each Group Must Make Progress for School to Make AYP

For a school to make AYP and avoid being identified for improvement under NCLB Section 1116, Sections 1111(b)(2)(G) and (I) say that the school must show that each demographic group is making progress in meeting state objectives and that at least 95 percent of the students in each group took the state assessments.

Here's a breakdown of the requirements.

**Student achievement.** Students in each demographic group must meet your state's annual objectives, which must require "continuous and substantial improvement" in student achievement in:

- Mathematics;
- Reading or language arts; and
- Beginning in the 2007–08 school year, science.

You must also record student achievement on at least one "other academic indicator." According to Section 1111(b)(2)(C)(vi), for secondary schools, the other academic indicator must be the graduation rate. For elementary schools, the other academic indicator can be one of several, which your state will choose. With DOE's approval, several states have proposed using attendance rates as the other academic indicator for elementary schools, Hunter reports. And each state may also require additional indicators.

**95 percent in each demographic group must take assessments.** NCLB Section 1111(b)(2)(I)(ii) requires schools to demonstrate that they require 95 percent of the students in each demographic group to take the state's statewide assessments. Proposed Title I regulation 200.20(c)(1)(i) goes further, saying that 95 percent of the students in each demographic group must actually take the exam. Hunter says this requirement is designed to prevent schools from simply excluding their lowest performing students from statewide assessments.

As with the general disaggregation rule, the 95 percent requirement doesn't apply to a demographic group if the number of students in it is too low to yield statistically reliable information or would reveal identifiable information about an individual student, Hunter says.

## Few Exceptions

The exceptions to the requirements above are few and narrow, and answer the following two questions:

**What if a demographic group misses meeting the state objectives but still makes progress?** Even if a demographic group doesn't meet the state's objectives, there's still a small chance the school can make AYP as a whole under NCLB Section 1111(b)(2)(I). But the exception is available only if:

- The percentage of students in that demographic group who do not meet or exceed the state's "proficient" level decreases by 10 percent of that percentage from the prior school year; and
- That demographic group made progress on one or more of the state's other academic indicators.

So, for example, a decrease from 60 percent to 54 percent in the number of students in the group who don't meet or exceed the proficient level would be enough to meet the exception, provided that the group also made progress on one other academic indicator, says Hunter.

**What about disabled, LEP, and transferee students?** Many schools are especially concerned about the progress of these three demographic groups, which often have the hardest time on statewide assessments. Under the NCLB, the scores of disabled and LEP students will count in determining a school's AYP—and most of these students will have to take the regular statewide assessments, albeit with accommodations, says Hunter.

Students who transfer to a school from within the same district during the school year qualify for a more general exception: Their scores don't count for the school's AYP. What about out-of-district transferees? The statute and regulations aren't clear on this point, so for now include them in your data unless your state expressly tells you otherwise, Hunter says.

We'll cover further details about assessing and disaggregating these three groups in future articles.

**Insider Says:** According to Section 1116(b)(1)(C) schools can escape penalties for failing to make AYP only if "almost every student" in each demographic group meets your state's proficient level of academic achievement, Hunter says. He cautions schools not to rely on this exception, because DOE hasn't defined what almost every student means.

## What Memo Should Say

You should send a memo to principals of every school served by Title I, no matter how little Title I funding that school may get, detailing disaggregation and warning of its effects. Like our Model Memo, your memo should:

**Explain disaggregation.** Describe how disaggregation works, what demographic groups they must track,

## MODEL MEMO

### Tell Principals About Disaggregation Requirements

Here's a Model Memo, written with the help of Bruce Hunter, Associate Executive Director of the American Association of School Administrators, that you can give principals of all schools served by Title I to tell them about the new disaggregation requirements. In Section 1 and in the chart,

we've listed the groups a state might mandate that you track. But your state's requirements may differ. So you should review the Model Memo with your attorney to make sure it includes the groups your state tells you to track and any additional requirements your state may impose.

#### NEW DISAGGREGATION REQUIREMENTS AND MAKING AYP

To: **All Principals in Schools Served by Title I**

FROM: **Superintendent**

DATE: *[Insert date]*

**S**tarting this year, the new No Child Left Behind Act (NCLB) requires your school to "disaggregate" student performance data—that is, separate it by demographic group—and show that each group is making progress. If even one group fails to make progress on one element, your school won't make adequate yearly progress (AYP) for this year—even if your school does well overall. And schools receiving assistance under Title I that don't make AYP for at least two years are subject to the NCLB's improvement requirements, such as providing school choice and, in subsequent years, district intervention or state takeover. The purpose of this memo is to give you an early warning about the implications of disaggregation so you can focus your efforts on helping *all* of your students make progress.

#### 1. DEMOGRAPHIC GROUPS YOU MUST TRACK

Under the law, our state requires schools to track the achievement of students in the following groups:

- ◆ All students as a whole;
- ◆ African-American students;
- ◆ Asian and Pacific Islander students;
- ◆ Hispanic students;
- ◆ Native American students;
- ◆ White students;
- ◆ Economically disadvantaged students;
- ◆ Students who have limited English proficiency; and
- ◆ Students with disabilities.

#### 2. INFORMATION YOU MUST TRACK

For students in each category, your school must collect data on the following factors:

- ◆ Progress in meeting state objectives in reading or language arts;
- ◆ Progress in meeting state objectives in math;
- ◆ Beginning in 2007–08, progress in meeting state objectives in science;
- ◆ For secondary schools, high school graduation rate;
- ◆ For elementary schools, *[insert your state's "other academic indicator" for elementary schools, such as average attendance]*; and
- ◆ Whether 95 percent of the students in the category took the statewide assessments.

#### 3. MAKING AYP REQUIRES FILLING IN THE CHART

When a demographic group meets a required data element, you can check off the corresponding box on the chart below. In order to make AYP, your school must be able to check off *every* box on this chart—each group of students must be making progress on each factor *and* 95 percent of

each group must take the statewide assessments. **If even one box isn't checked, your school won't make AYP. If your school doesn't make AYP for two years or more, your school will be subject to school improvement requirements.**

Demographic Group	Progress— Reading/Lang. Arts	Progress— Math	Progress— Science (2007–08)	95% Taking Assessments	Progress— Graduation/Other*
All Students					
Economically Disadvantaged					
Limited English Proficiency					
Students with Disabilities					
African-American					
Asian-American					
Hispanic					
Native American					
White					
<p>*Include column for graduation rate (or "other academic indicator" for middle/elementary schools) if your state uses that data for measuring AYP and requires it be disaggregated.            Note: Insert extra columns if your state measures additional academic indicators.</p>					

#### 4. EXCEPTIONS

There are very few exceptions to these rules, and the exceptions that exist are narrow. Don't count on them to make it easier for your school to make AYP.

**Low numbers of students in a category.** You don't have to disaggregate data for a demographic group if: 1) there are fewer than *[insert your state's cutoff number for revealing individually identifying data]* students in that group, because it could violate a student's privacy; or 2) if fewer than *[insert your state's cutoff number for statistical reliability]* are in a group, because the number is too low to be statistically reliable. For these small demographic groups, you also won't have to show that 95 percent of the students took the statewide assessments.

**Demographic group misses meeting state objectives but still makes progress.** Your school can still make AYP but only if:

- ◆ The percentage of students in that demographic group who do not meet or exceed the state's proficient level decreases by 10 percent from the prior school year; and

- ◆ That demographic group made progress on one or more of the state's other academic indicators.

So, for example, a decrease from 60 percent to 54 percent in the number of students in the group who do not meet or exceed the proficient level would be enough to meet the exception, provided the group also made progress on one other academic indicator.

**Students with disabilities or limited English proficiency count.** With accommodation, the vast majority of students in these two categories will be taking the regular statewide assessments. Their scores will count in determining whether your school makes AYP.

**New students' scores don't count for AYP.** In general, students who transfer to your school during the school year from within the district will take the statewide assessments, but their scores won't count for your school's AYP.

and what information they must track for each group [Memo, secs. 1 & 2].

**Tie disaggregation to AYP.** Tell principals that their schools will make AYP only if each group makes progress on each data element. The Model Memo does this by providing a chart, with each demographic group on one axis and each data element on the other. When a demographic group meets a required data element, the school can check off the corresponding box. To make AYP, a school must be able to check off every box on the chart. If even one box is empty, the school won't make AYP and can be subject to improvement requirements under NCLB Section 1116 [Memo, sec. 3].

**Warn of few exceptions.** Caution that there are few exceptions to these requirements and that the ones that exist are narrow. In particular, tell principals that the scores of their disabled and LEP students will count in making AYP—and that they'll be taking the regular statewide assessments, but with accommodations [Memo, sec. 4]. ■

#### INSIDER SOURCE

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